

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

HERBERT B. KINCEN,

Defendant.

4:18CR3075

ORDER

Defendant has moved to continue Defendant's change of plea hearing. (Filing No. 65. As explained by counsel, the parties need additional time to engage in plea discussions. The motion to continue is unopposed. Based on the representations of counsel, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 65), is granted.
- 2) Defendant's plea hearing will be held before the undersigned magistrate judge on February 12, 2019 at 3:00 p.m.. Defendant is ordered to appear at this hearing.
- 3) For the reasons stated by counsel, the Court finds that the ends of justice served by continuing Defendant's plea hearing outweigh the best interest of Defendant and the public in a speedy trial. Accordingly, the time between today's date and the district court judge's acceptance or rejection of the anticipated plea of guilty shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

January 7, 2019.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge